

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, NC

JUN 23 2008

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA,)
)
 v.)
)
 THOMAS G. REITZ)
)
 _____)
 PETITION OF CAROLINE L. REITZ)
 _____)

CRIMINAL NO. 3:07CR21-C

IN RE SEIZURE WARRANT)
)
 _____)

FILE NO. 3:07MJ59

**CONSENT ORDER FOR
THIRD-PARTY PETITION AND
MOTION FOR RETURN OF PROPERTY**

THIS MATTER is before the Court by consent of the United States of America, by and through Gretchen C. F. Shappert, United States Attorney for the Western District of North Carolina, and petitioner Caroline L. Reitz ("petitioner"), through counsel, pursuant to Fed. R. Crim. P. 32.2(c). The government and petitioner have consented to this order as a final adjudication and settlement of all matters with regard to the assets listed in the Preliminary Order of Forfeiture filed herein on November 28, 2007, as amended (the "Preliminary Order"), and the following specific funds included therein (the "subject property"):

The sum of \$300,000.00, as part of the funds seized pursuant to the warrant issued in No. 3:07mj59 from UBS Financial Services, Inc., account WExxx987 in the name of Thomas G. Reitz and Caroline L. Reitz.

The government and petitioner have stipulated and agreed and the Court finds as follows:

1. Petitioner has filed a timely petition in response to the Preliminary Order and the Court has jurisdiction over the subject property.

2. Defendant Reitz ("defendant") has or had a legal ownership interest in all the property listed in the Preliminary Order, which is subject to forfeiture under the applicable statutes, except that petitioner's interest is recognized to the extent of \$300,000.00.

3. Except as provided herein, petitioner's petition shall be denied.

4. The government shall remit to petitioner the sum of \$300,000.00 as soon as practicable following the date of entry of this Consent Order, by check payable to petitioner and sent to her attorney, Dennis J. Kelly, at Burns & Levinson, LLP, 125 Summer Street, Boston, MA 02110. If the check is not mailed or sent by overnight service within 30 days of such date, the government will pay to petitioner from the seized funds the sum of \$2000.00, and, further, an additional \$2000.00 for each 30 days thereafter, until the subject property is actually mailed or sent, as a stipulated amount representing the time value of the money, up to a maximum of \$10,000.00.

5. Subject to paragraph 6 below, Petitioner hereby releases and forever discharges the United States, its agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which petitioner or her heirs, successors, or assigns ever had, now have, or may have in the future in connection with this investigation, seizure, detention, and forfeiture.

6. The government hereby releases petitioner of and from all civil and administrative forfeiture claims which it has or could have on account of, arising out of, or

relating to the crimes of which defendant was convicted in this criminal case. Nothing in this release shall be construed as a release by the government of any criminal forfeiture claim regarding other property of defendant not listed in the Preliminary Order, as substitute property in connection with this criminal case; provided that petitioner shall retain all rights to assert her ownership of any such property as a defense to criminal forfeiture, as provided by law.

IT IS THEREFORE ORDERED THAT:

1. The Preliminary Order is amended by deleting the subject property, and the government's forfeiture claim to that property is hereby dismissed with prejudice.
2. The petition is allowed to the extent of \$300,000.00. The sum of \$300,000.00 shall be released to petitioner in accordance with the terms of paragraph 4 above.
3. Petitioner's motion for return of property filed on April 9, 2007, in the related seizure warrant file, No. 3:07mj59, is hereby denied.
4. Each party shall bear its own costs, including attorneys fees.

Signed this the 16th day of June, 2008.


ROBERT J. CONRAD
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

FOR THE UNITED STATES OF AMERICA:

GRETCHEN C. F. SHAPPERT
United States Attorney

By

William A. Brafford
WILLIAM A. BRAFFORD

Assistant United States Attorney

Date:

June 7, 2008

Caroline L. Reitz
CAROLINE L. REITZ

Date:

6-2-08

Dennis J. Kelly
DENNIS J. KELLY

Attorney for Petitioner

Date:

June 4, 2008